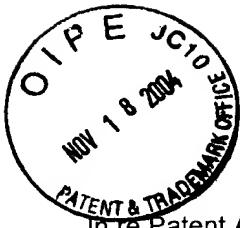


1631  
JRW

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Joe Gray et al.

Application No.: 08/487,701

Filing Date: June 7, 1995

Group Art Unit: 1631

Examiner: ARDIN H MARSCHEL

Confirmation No.: 7971

Title: METHODS FOR STAINING TARGET CHROMOSOMAL DNA EMPLOYING HIGH COMPLEXITY NUCLEIC ACID PROBES

## AMENDMENT/REPLY TRANSMITTAL LETTER

Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

Sir:

Enclosed is a reply for the above-identified patent application.

A Petition for Extension of Time is also enclosed.

Terminal Disclaimer(s) and the  \$55.00 (2814)  \$110.00 (1814) fee per Disclaimer due under 37 C.F.R. § 1.20(d) are also enclosed.

Also enclosed is/are a copy of the Terminal Disclaimer previously submitted in this case over U.S. Patent No. 6,500,612.

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Small entity status is hereby claimed.

Applicant(s) requests continued examination under 37 C.F.R. § 1.114 and enclose the  \$395.00 (2801)  \$790.00 (1801) fee due under 37 C.F.R. § 1.17(e).

Applicant(s) requests that any previously unentered after final amendments not be entered. Continued examination is requested based on the enclosed documents identified above.

Applicant(s) previously submitted \_\_\_\_\_  
 \_\_\_\_\_  
 on \_\_\_\_\_, for which continued examination is requested.

Applicant(s) requests suspension of action by the Office until at least \_\_\_\_\_, which does not exceed three months from the filing of this RCE, in accordance with 37 C.F.R. § 1.103(c). The required fee under 37 C.F.R. § 1.17(i) is enclosed.

A Request for Entry and Consideration of Submission under 37 C.F.R. § 1.129(a) (1809/2809) is also enclosed.

No additional claim fee is required.

An additional claim fee is required, and is calculated as shown below.

<b>AMENDED CLAIMS</b>					
	No. of Claims	Highest No. of Claims Previously Paid For	Extra Claims	Rate	Additional Fee
Total Claims	51	MINUS 54 =	0	x \$18.00 (1202) =	\$ 0.00
Independent Claims	4	MINUS 4 =	0	x \$88.00 (1201) =	\$ 0.00
If Amendment adds multiple dependent claims, add \$300.00 (1203)					
Total Claim Amendment Fee					\$ 0.00
<input type="checkbox"/> Small Entity Status claimed - subtract 50% of Total Claim Amendment Fee					\$ 0.00
<b>TOTAL ADDITIONAL CLAIM FEE DUE FOR THIS AMENDMENT</b>					<b>\$ 0.00</b>

A check in the amount of \_\_\_\_\_ is enclosed for the fee due.

Charge \_\_\_\_\_ to Deposit Account No. 02-4800.

Charge \_\_\_\_\_ to credit card. Form PTO-2038 is attached.

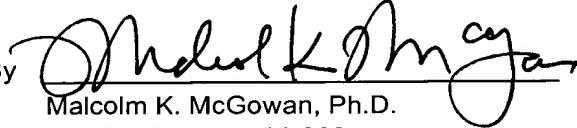
The Director is hereby authorized to charge any appropriate fees under 37 C.F.R. §§ 1.16, 1.17, 1.20(d) and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 02-4800. This paper is submitted in duplicate.

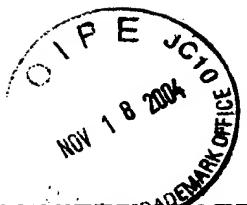
Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

P.O. Box 1404  
Alexandria, Virginia 22313-1404  
(703) 836-6620

Date: November 18, 2004

By   
Malcolm K. McGowan, Ph.D.  
Registration No. 39,300



Patent  
Attorney's Docket No. 028723-020

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of ) **Mail Stop Amendment**  
Joe Gray et al. )  
Application No.: 08/487,701 )  
Filed: June 7, 1995 )  
For: METHODS FOR STAINING )  
TARGET CHROMOSOMAL DNA )  
EMPLOYING HIGH COMPLEXITY )  
NUCLEIC ACID PROBES )

**SUPPLEMENTAL REPLY**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Advisory Action mailed November 10, 2004 and further in response to the Office Action dated July 28, 2004, applicants submit herewith a copy of the Terminal Disclaimer over U.S. Patent No. 6,500,612 previously filed with Applicants' Amendment of December 9, 2003. In view of this Terminal Disclaimer, withdrawal of the rejection of claims in this case as purportedly obvious in view of the claims of U.S. Patent No. 6,500,612 is respectfully requested.

From the foregoing, further and favorable action in the form of a Notice of Allowance is believed to be next in order, and such action is earnestly solicited.

In the event that there are any questions concerning this Amendment, or the application in general, the Examiner is respectfully urged to telephone Applicants' undersigned representative so that prosecution of the application may be expedited.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

Date: November 18, 2004

By:   
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